

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

July 31, 2000

D035976 Kimble v. Palomar-Pomerado Health System

In that the demurrer was sustained as to only two causes of action, the appeal is dismissed without prejudice, as there is no one final judgment of dismissal of the case.

D035219 In re Jerry P., a Juvenile

The judgment is affirmed. Work, J.; We Concur: Kremer, P.J., O'Rourke, J.

D035293 In re Heath L., a Juvenile

The order as modified by the juvenile court is affirmed. Kremer, P.J.; We Concur: Work, J., O'Rourke, J.

D034546 Filarski v. Crowley et al.

Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately as to all parties (Cal. Rules of Court, rule 19(b)).

D036015 Weiss v. San Diego County Superior Court/People

The petition is denied.

D035989 Candelore et al. v. Superior Court of San Diego County/Johnson

The petition is denied.

D033306 Miller et al v. San Diego Gas & Electric Company et al.

The judgment for SDG&E is reversed and the matter remanded for further proceedings. The judgment for Davis is affirmed. Miller shall have costs against SDG&E. Davis shall have costs against Miller. Work, Acting P.J., We Concur: Huffman, J., McIntyre, J.

D034203 In re Norman Paul B., a Juvenile

D034602 In re Norman Paul B., a Minor on Habeas Corpus

(Consolidated) The true finding on the second supplemental petition is reversed. The case is remanded for further proceedings, and the juvenile court is directed to allow Norman to withdraw his admission. The petition for writ of habeas corpus is dismissed. Haller, J.; We Concur: Work, Acting P.J., O'Rourke, J.

D035463 In re B. S., a Juvenile

The judgment is affirmed. O'Rourke, J.; We Concur: Kremer, P.J., Huffman, J.

D033690 People v. Garcia

D034943 In re Garcia on Habeas Corpus

Judgment affirmed; petition denied. Haller, J.; We Concur: Work, Acting P.J., O'Rourke, J.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

July 31, 2000 (Continued)

D033181 People v. Ferris

The judgment is modified to provide imposition of a Penal Code section 1202.4, subdivision (b) restitution fine of \$10,000 and a Penal Code section 1202.45 parole revocation restitution fine of \$10,000, which is suspended unless parole is revoked. The judgment is affirmed as modified. The superior court is directed to prepare an amended abstract of judgment to reflect this modification and shall notify the Department of Corrections of the modification. McDonald, J.; We Concur: Huffman, Acting P.J., Haller, J.

D032769 Leisure Technology Corporation of Oceanside v. Franklin Reinforcing Steel Company et al.

The petition for rehearing is denied.

D035671 Price v. Workers' Compensation Appeals Board and Department of Justice

The petition is denied.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

August 1, 2000

D033334 People v. Johnson

Reversed. Haller, J.; We Concur: Huffman, Acting P.J., McDonald, J.

D035721 In re Michael P., a Juvenile

The appeal is dismissed. Work, J.; We Concur: Kremer, P.J., Benke, J.

D034484 Badu v. Pacific Rim Mechanical et al.,

The order is reversed and the matter is remanded with directions that the superior court issue a new order denying respondent's motion to set aside the arbitration agreement and vacate dismissal of the complaint and denying respondent's motion to disqualify the arbitrator. The superior court shall retain jurisdiction of the matter in accordance with the views expressed in this opinion. McDonald, J.;

We Concur: Kremer, P.J., McIntyre, J.

D032996 People v. Williams

Judgment affirmed. Huffman, Acting P.J.; We Concur: Nares, J., McDonald, J.

D034263 People v. Morales

The judgment is affirmed. Haller, J.; We Concur: Kremer, P.J., O'Rourke, J.

D034127 People v. Doumbia

The judgment is affirmed. O'Rourke, J.; We Concur: Work, Acting P.J., Huffman, J.

D033307 People v. Quiroz

D035068 In re Quiroz on Habeas Corpus

The pending petition for writ of habeas corpus, In re Carlos Quiroz, D035068, is consolidated with the pending appeal, People v. Carlos Quiroz, D033307, for disposition.

D033307 People v. Quiroz

D035068 In re Quiroz on Habeas Corpus

Quiroz's petition for a writ of habeas corpus is granted. His convictions are reversed and the matter remanded for a new trial. Our disposition of the writ petition renders the issue raised on appeal moot. The appeal is dismissed. Kremer, P.J.; We Concur: Work, J., Benke, J.

D032162 Henry v. California Department of Corrections et al.

The judgment is affirmed. The order awarding attorney fees is reversed and the matter remanded for the trial court to determine the amount of the fee award consistent with the views expressed in this opinion. Henry is to recover his costs and reasonable attorney fees on appeal. McIntyre, J.;

We Concur: Huffman, Acting P.J., Haller J.

D034723 Jimenez et al. v. Superior Court of San Diego County/T.M. Cobb Company et al.

Let a peremptory writ of mandate issue directing the superior court to vacate its orders granting defendants' motions for summary adjudication and enter a new order denying the motions. Plaintiffs are entitled to costs incurred in this writ proceeding. CERTIFIED FOR PUBLICATION. McDonald, J.;

We Concur: Benke, Acting P.J., Nares, J.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

August 1, 2000 (Continued)

D034047 People v. Busby

The judgment is affirmed. McIntyre, J.; We Concur: Work, Acting P.J., O'Rourke, J.

D034068 Merutka v. Amelunxen

The judgment is affirmed. Von Amelunxen is entitled to costs on appeal. McDonald, J.;
We Concur: Haller, Acting P.J., McIntyre, J.

D033458 Haragos, Jr. et al. v. Dykstra et al.

The petition for rehearing is denied.

D032356 Egan v. St. John's Catholic Church

The judgment is affirmed. Respondent is entitled to costs on appeal. McDonald, J.;
We Concur: Huffman, Acting P.J., McIntyre, J.

D036070 Baumer v. Superior Court of San Diego County/People

The petition is denied.

D036077 People v. Mitchell

The appeal to this court is dismissed, as the rules for transfer have not been satisfied.

D031532 McKinney et al. v. Del Rio

The judgment is affirmed. Benke, J.; We Concur: Kremer, P.J., Nares, J.

D033417 In re the Marriage of Ravet

The petition for rehearing is denied.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

August 2, 2000

D034880 In re ETERNAL D., a Juvenile

The petition for rehearing is denied.

D036069 Norgaard et al. v. Wright

The notice of appeal must be filed within 180 days of the court's ruling. Here the ruling was on January 7, 2000. The latest or 180th day, the notice of appeal could be filed was July 5, 2000. The notice was filed on July 6, 2000. The appeal is dismissed. as untimely.

D033440 People v. Jaco

The judgment is affirmed as modified. Huffman, J.; We Concur: Kremer, P.J., O'Rourke, J.

D034994 People v. Suggs

Judgment affirmed. Work, J.; We Concur: Kremer, P.J., Huffman, J.

D035533 THG Enterprises, Inc. v. City of Oceanside, et al.

Appellant's notice of (partial) voluntary abandonment and dismissal as against the City of Poway only filed on July 28, 2000 is granted. Appellant's appeal as against City of Poway is dismissed.

D034433 People v. Freeto

The judgment (order revoking probation) is affirmed. Benke, J.; We Concur: Work, Acting P.J., O'Rourke, J.

D034313 Morgan et al. v. Dadian

Appellants' motion for dismissal of appeal without prejudice filed on July 19, 2000 is granted. The appeal is dismissed.

D032497 Cattedra et al. v. Marincovich et al.

The petition for rehearing is denied.

D035195 In re Tatiyanna H. et al., Juveniles

D035509 In re Lourdes M. on Habeas Corpus

The pending petition for writ of habeas corpus, In re Lourdes M., D035509, is consolidated with the pending appeal, In re Tatiyanna H., D035195, for disposition.

D035195 In re Tatiyanna H. et al., Juveniles

D035509 In re Lourdes M. on Habeas Corpus

The judgments are affirmed; the petition for writ of habeas corpus is denied. Nares, J.; I Concur: Kremer, P.J., I concur in the result: Haller, J.

D032885 People v. Spears

The judgments are affirmed. Work, J.; We Concur: Kremer, P.J., Haller, J.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

August 2, 2000 (Continued)

D036066 In re David D. et al., Juveniles

The notice of appeal filed July 18, 2000 is dismissed as untimely.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

August 3, 2000

D034709 In re Laura A., a Juvenile

The judgment is affirmed. Benke, J.; We Concur: Kremer, P.J., O'Rourke, J.

D034094 In re Ruben G., a Juvenile

The dispositional order is reversed and the matter is remanded to the juvenile court for the express declaration required by section 702 and, if necessary, a recalculation of the possible maximum period of confinement. In all other respects, the judgment is affirmed. Work, J.; We Concur: Kremer, P.J., Benke, J.

D033315 In re the Marriage of Jessee

Order affirmed. Each party to bear its own costs. Benke, J.; We Concur: Work, Acting P.J., McIntyre, J.

D035397 In re Aylah K. a Juvenile

The judgment is affirmed. Haller, J.; We Concur: Kremer, P.J., McIntyre, J.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

August 4, 2000

D033617 Reese et al. v. Stewart et al.

The judgment is affirmed. The matter is remanded to the trial court to determine the expenses respondents incurred in moving to dismiss the appeal and in responding to the appeal. The court is directed to award this amount to respondents as sanctions for a frivolous appeal. Appellants to bear costs on appeal. O'Rourke, J. We Concur: Benke, Acting P.J., Huffman, J.

D033921 In re Jeremy E., a Juvenile

The juvenile court's order is affirmed. Kremer, P.J.; We Concur: Huffman J., O'Rourke, J.

D035544 In re Stanfield K., a Juvenile

The appeal is dismissed. Work, J.; We Concur Kremer, P.J., Benke, J.

D035295 In re Ilen J., a Juvenile

The appeal is dismissed. Work, J.; We Concur: Kremer, P.J., Benke, J.

D035480 In re A. H-E., a Juvenile

The appeal is dismissed. Work, J.; We Concur: Kremer, P.J., Benke, J.